

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARK PICOZZI,

Plaintiff,

v.

STATE OF NEVADA, *et al.*,

Defendants.

Case No. 2:22-cv-01011-ART-EJY

**ORDER**

On March 28, 20223, the Court ordered Defense Counsel to file “a status report, with exhibits, demonstrating what care Plaintiff has received regarding his hemorrhoids, **including whether Plaintiff received surgery** and what care since that date has been provided.” ECF No. 85 (emphasis added). On today’s date the Court received the status report that provided preoperative documents, but fails to provide any information indicating whether Plaintiff had surgery. Plaintiff’s post-operative medical records reveal treatment for high blood pressure and cholesterol only.

The Court notes that a preoperative report is **not** equivalent to a surgery report or any document that would indicate whether surgery was actually performed. Common knowledge dictates that an individual may proceed with preoperative preparation, but may not be operated upon because of an independent medical concern (which is exactly what Plaintiff claims occurred). High blood pressure medication does not indicate what, if any, post operative treatment Plaintiff received for the issue related to the surgery he sought, but claims he did not receive despite being taken to the hospital. Further, there is no evidence that the medical records, if any, attached to the status report were provided to Plaintiff as expressly ordered.

Accordingly, IT IS HEREBY ORDERED that the Deputy Attorney General, together with a representative of the health care provider for the facility in which Plaintiff is housed **must appear via video** for a hearing on **April 19, 2023 at 11:00 a.m.** No extension and no continuance of this hearing date and time will be entertained absent extraordinary, unforeseen circumstances. The Deputy Attorney General must email Elvia Garcia, Courtroom Deputy, at

1 **Elvia\_Garcia@nvd.uscourts.gov, by 12:00 p.m. on April 17, 2023**, and provide the email  
2 addresses of their respective participants. Ms. Garcia will then email all participants, other than  
3 Plaintiff, a Zoom link.

4 IT IS FURTHER ORDERED that the Warden of High Desert State Prison, or his/her  
5 designee, **must** make the necessary arrangements for Plaintiff to appear by video conference for a  
6 hearing on **April 19, 2023 at 11:00 a.m.** and must provide Elvia Garcia, Courtroom Deputy, with  
7 the video conference reservation number at which Plaintiff can be reached at least two days prior to  
8 the hearing.

9 Dated this 11th day of April, 2023.

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11 ELAYNA J. YOUCHAH  
12 UNITED STATES MAGISTRATE JUDGE  
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